
The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE ===

Adoption Agenda, Discussion, Other Legislative Items

ITEM-330: Lease Agreement with KenCal Ownership, LLC, for the Hyatt Regency Islandia Hotel and Marina, located in the Quivira Basin Area of Mission Bay Park. (Mission Bay Park Community Area. District 2.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

ITEM-331: Use of Inclusionary In-Lieu Fees Collected to Make a Residual Receipts Loan to Santaluz Family Apartments, LLP for Rancho Del Norte Apartments. (Black Mountain Ranch Community Area. District 1.)
SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION: Adopt the resolution.

Noticed Hearings, Discussion

ITEM-332: Madera. (Clairemont Mesa Community Plan Area. District 6.)

Matter of approving, conditionally approving, modifying, or denying an application for an amendment to the Clairemont Mesa Community Plan and the Progress Guide and General Plan (to redesignate the site from Community Center Commercial to Medium Residential at 15-30 dwelling units per acre), a Rezone (from CC-1-3 to RM-3-7), a Planned Development Permit, Site Development Permit, and Vesting Tentative Map to demolish an existing Bowling Center and construct 77 residential condominium units in 17, 3-story buildings on an approximately 3.7 acre site. The property is located at 3093 Clairemont Drive within the Clairemont Mesa Community Plan, the Clairemont Mesa Height Limit Overlay Zone, and the Clairemont Mesa Community Plan Implementation Overlay Zone (Type B).

CITY MANAGER'S RECOMMENDATION: Adopt the resolutions in Subitems A and B; introduce the ordinance in Subitem C; grant the permits in Subitem D; and grant the map in Subitem E.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings, Discussion (Continued)

ITEM-333: Hillel of San Diego. (La Jolla Community Plan Area. District 1.)

Matter of approving, conditionally approving, modifying or denying a Planned Development Permit, Site Development Permit, Street Vacation, Easement Abandonment, Lot-Line Adjustment Parcel Map and Public Right-of-Way Dedications to develop a two-level student center for religious purposes within the triangular area bounded by La Jolla Village Drive, La Jolla Scenic Way and La Jolla Scenic Drive North to consist of a 12,100 square-foot student center floor area and 17,000 square-feet of lower level garage for 40 off-street parking spaces on a usable 25,069 square-foot site with an additional 10,000 square-feet of area reserved for open landscaping as required by the City Council with the additional continued use of an adjacent single-family residence at 8976 Cliffridge Avenue for temporary religious office and student use in the SF (Single-Family) zone of the La Jolla Shores Planned District Ordinance, the Coastal Height Limit Overlay, and Parking Impact Overlay Zone (Campus Impact area), all within the boundaries of the La Jolla Shores Planned District and the La Jolla Community Plan Area.

CITY MANAGER'S RECOMMENDATION: Adopt the resolutions in Subitems A and D; adopt the resolution in Subitem B to grant the permits; and adopt the resolution in Subitem C to grant the map.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-330: ITEM-330: Lease Agreement with KenCal Ownership, LLC, for the Hyatt Regency Islandia Hotel and Marina, located in the Quivira Basin Area of Mission Bay Park.

(See City Manager Reports CMR-05-151 and CMR-05-195; memorandum from William T. Griffith dated 9/19/2005; and letter from Jim Austin dated 9/21/2005. Mission Bay Park Community Area. District 2.)

(Continued from the meeting of June 27, 2005, Item S403, at the request of Councilmember Zucchet, for further review.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-1387)

Authorizing the City Manager to execute a fifty-year lease agreement with KenCal Ownership, LLC, a California limited liability company, for the Hyatt Regency Islandia Hotel and Marina on 9.73 acres of land and 9.119 acres of water of City-owned property in the Quivira Basin area of Mission Bay Park at an annual rental of \$1.9 million after a one-year construction period rental of \$1 million, under the terms and conditions set forth in that lease agreement.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/21/2005, NR&C voted 4 to 0 to move the item forward to the full Council with direction to the City Manager to provide the following to Council:

- 1) A specific analysis, in table format, comparing the numbers from the proponent, opponent, the City Manager, and the City Attorney; and the difference in value to the City if this lease is bringing increased revenue through transient occupancy tax, sales tax, increased rent revenue, and/or property tax reassessment.
- 2) A comparison between the old and new lease language relating to the maintenance of the property.
- 3) Information as to what would happen if the City denied the lease, what the City's options would be, and how it would affect us.
- 4) Information as to when the most opportune time for negotiations of the lease might be; and
- 5) A clear understanding of the proposed renovations and the consequences if they were denied.

(Councilmembers Young, Maienschein, Frye, and Madaffer voted yea.)

Staff: Will Griffith – (619) 236-6144
Elisa A. Cusato – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-331: Use of Inclusionary In-Lieu Fees Collected to Make a Residual Receipts Loan to Santaluz Family Apartments, LLP for Rancho Del Norte Apartments.

(See San Diego Housing Commission Report HCR05-86. Black Mountain Ranch Community Area. District 1.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-242)

Approving the use of up to \$150,000, in Inclusionary Fees from the Carmel Valley Community Planning Area, for the purpose of financing a 119-unit multi-family rental housing development for low-income families called Rancho del Norte Apartments (Project), located within Subarea I of the North City Future Urbanizing Area, pursuant to the terms and conditions outlined in Housing Commission Report HCR05-86.

NOTE: See the San Diego Housing Commission Agenda of 9/27/2005 for companion items.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-332: Madera.

Matter of approving, conditionally approving, modifying, or denying an application for an amendment to the Clairemont Mesa Community Plan and the Progress Guide and General Plan (to redesignate the site from Community Center Commercial to Medium Residential at 15-30 dwelling units per acre), a Rezone (from CC-1-3 to RM-3-7), a Planned Development Permit, Site Development Permit, and Vesting Tentative Map to demolish an existing Bowling Center and construct 77 residential condominium units in 17, 3-story buildings on an approximately 3.7 acre site. The property is located at 3093 Clairemont Drive within the Clairemont Mesa Community Plan, the Clairemont Mesa Height Limit Overlay Zone, and the Clairemont Mesa Community Plan Implementation Overlay Zone (Type B).

(Revised Final ND/PG&GP-CPA No. 174254/RZ No. 224754/SDP No. 174389/PDP No. 169110/VTM No. 189901/Project No. 57744. Clairemont Mesa Community Plan Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; introduce the ordinance in Subitem C; grant the permits in Subitem D; and grant the map in Subitem E:

Subitem-A: (R-2006-187)

Adoption of a Resolution certifying that the information contained in Revised Final Negative Declaration No. 57744, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Progress Guide and General Plan and Community Plan Amendment, rezone, planned development permit, site development permit, and vesting tentative map for the Madera Project;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

Subitem-A: (Continued)

That the Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore the Negative Declaration is approved;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-188)

Adoption of a Resolution amending the Clairemont Mesa Community Plan;

And amending the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (O-2006-30)

Introduction of an Ordinance of the Council of the City of San Diego changing 4.15 acres, located at 3093 Clairemont Drive, in the Clairemont Mesa Community Plan Area, in the City of San Diego, California, from the CC-1-3 Zone (previously referred to as the CA-S Zone) into the RM-3-7 Zone (previously referred to as the R-1000 Zone, as defined by San Diego Municipal Code Section 131.0406, and repealing Ordinance No. O-11216 (New Series), adopted January 17, 1974, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

Subitem-D: (R-2006-)

Adoption of a Resolution granting or denying Site Development Permit No. 174389 and Planned Development Permit No. 169110, with appropriate findings to support Council action.

Subitem-E: (R-2006-)

Adoption of a Resolution granting or denying Vesting Tentative Map No. 189901, with appropriate finding to support Council action.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

OTHER RECOMMENDATIONS:

Planning Commission on August 25, 2005, voted 4-0 to approve; was opposition.

Ayes: Otsuji, Steele, Ontai, Schultz

Not present: Griswold, Chase, Garcia

The Clairemont Mesa Community Planning Committee has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Madera residential project would include the demolition of an existing bowling center (Sunset Bowl) and the construction of a 77-unit, multi-family (Sustainable) development (for sale) on an approximately 3.7-acre infill site located at 3093 Clairemont Drive within the Clairemont Mesa Community Planning Area. The development would meet City of San Diego Sustainable Buildings Policy, Council Policy 900-14.

The Madera project would also include 173 off-street parking spaces, over 12,700 square-feet of usable open space, a swimming pool, and a recreation area. The proposed 77-unit condominium development would consist of 17 three-story town house buildings.

This project requires amendments to the Progress Guide and General Plan and the Clairemont Mesa Community Plan to redesignate the project site from "Community Center Commercial" to "Medium Density Residential (15-30 Dwelling Units per Acre)"; a Rezone from CC-1-3 to RM-3-7; a Vesting Tentative Map, Site Development Permit, and Planned Development Permit.

Planning Commission Recommendation: On August 25, 2005, the Planning Commission voted unanimously (4-0) to recommend approval of the Madera project, as presented in Planning Commission Report No. PC-05-254, with the addition of the following condition (No. 52) which was added to the draft permit.

52. Prior to occupancy of the first residential unit, the applicant shall install a pedestrian connection (e.g. landscaping, enhanced paving, etc.) along Lot 2, between the project and Clairemont Drive, to the satisfaction of the City Manager.

Community Planning Group Recommendation: On July 19, 2005, the Clairemont Mesa Community Planning Committee voted 8-3-1 to approve the project as proposed.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

FISCAL IMPACT:

None. All costs associated with this project are recovered through a deposit account funded by the applicant.

Water Quality Impact Statement: During construction, this project will comply with Best Management Practices (BMPs) through preparation of a Storm Water Pollution Prevention Plan (SWPPP) in conjunction with the grading plans. The SWPPP will identify all BMPs to be implemented during the construction phase to reduce/eliminate discharges of pollutants into the public drainage system. The post development Best Management Practices (BMPs) incorporated into the project consists of site design, source control and treatment. The project's post development runoff will be collected by a private drainage system and conveyed to the public drainage system. The post-construction BMPs detailed in the Water Quality Technical Report have been evaluated and accepted by the City Engineer. The property owner(s) will be responsible for the long-term maintenance of all private drainage facilities.

Oppenheim/Halbert/DES

LEGAL DESCRIPTION:

The project site is located in the Clairemont Mesa Height Limit Overlay Zone, the Community Plan Implementation Overlay Zone "B," and is within Council District 6. Parcel 1 of Parcel Map No. 10896.

Staff: Dan Stricker – (619) 446-5251.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: Hillel of San Diego.

Matter of approving, conditionally approving, modifying or denying a Planned Development Permit, Site Development Permit, Street Vacation, Easement Abandonment, Lot-Line Adjustment Parcel Map and Public Right-of-Way Dedications to develop a two-level student center for religious purposes within the triangular area bounded by La Jolla Village Drive, La Jolla Scenic Way and La Jolla Scenic Drive North to consist of a 12,100 square-foot student center floor area and 17,000 square-feet of lower level garage for 40 off-street parking spaces on a usable 25,069 square-foot site with an additional 10,000 square-feet of area reserved for open landscaping as required by the City Council with the additional continued use of an adjacent single-family residence at 8976 Cliffridge Avenue for temporary religious office and student use in the SF (Single-Family) zone of the La Jolla Shores Planned District Ordinance, the Coastal Height Limit Overlay, and Parking Impact Overlay Zone (Campus Impact area), all within the boundaries of the La Jolla Shores Planned District and the La Jolla Community Plan Area.

(See City Manager Report CMR-05-193. Project No. La Jolla Community Plan Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and D; adopt the resolution in Subitem B to grant the permits; and adopt the resolution in Subitem C to grant the map:

Subitem-A: (R-2006-211)

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 6098, on file in the Office of the City Clerk, had been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a planned development permit, a site development permit, a public-of-way vacation and a right-of-way dedication for the Hillel of San Diego Project;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

Subitem-A: (Continued)

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-)

Adoption of a Resolution granting or denying Planned Development Permit No. 158095, Site Development Permit No. 158094, with appropriate findings to support Council action.

Subitem-C: (R-2006-)

Adoption of a Resolution granting or denying Lot-Line Adjustment Parcel Map No. 188004, with appropriate findings to support Council action.

Subitem-D: (R-2006-226)

Adoption of a Resolution vacating a Portion of La Jolla Scenic Drive North, a Portion of La Jolla Scenic Drive and a Portion of Torrey Pines Road, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20461 & 20462, marked as Exhibit "B," and on file in the office of the City Clerk;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

Subitem-D: (Continued)

That said street vacation is conditioned upon the dedication of General Utility Easements over portions of the vacated public right-of-way, satisfactory to the City Engineer. In the event this condition is not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force of effect;

That the City Engineer shall advise the City Clerk of the completion of the aforementioned condition and the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

OTHER RECOMMENDATIONS:

Planning Commission on March 3, 2005, voted 5-0 to deny; was opposition.

Ayes: Garcia, Chase, Schultz, Ontai, Otsuji
Not present: Steele, Griswold

The LJSPDAB, on their agenda of Tuesday, January 18, 2005, passed three motions in recommending denial of the proposed project. Motion No. 1, stated that the Advisory Board believed that the project was not providing sufficient parking, did not comply with the 'distinctive residential character' as defined by the purpose and intent of the PDO, and stated concern over the loss of 12 on-street parking spaces and loss of a bike lane. Motion No. 2, stated that the 'Findings' for the street vacation could not be made and that the right-of-way should be reserved for future traffic mitigation. Motion No. 3, stated that the use of the residence in Phase I is illegal.

The CPG considered this project on Thursday, February 3, 2005, and voted 10-2-0 to recommend denial of the proposed project on the basis of issues with parking, illegal use, loss of on-street parking, bikeway issues and other concerns not communicated.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

CITY MANAGER SUPPORTING INFORMATION:

The 'Hillel' project site consists of a total area of 42,400 square-feet of area which includes a 8,882 square-foot single-family residential lot used for religious offices at 8976 Cliffridge Avenue and a 33,518 square-foot City owned site commonly referred to as 'Site 653'. The project site is located in a triangular shaped area bounded on the north by La Jolla Village Drive, on the east by La Jolla Scenic Way, and on the south by La Jolla Scenic Drive North. The site includes areas proposed for street vacation, easement abandonment, and street right-of-way dedication. A City Council requirement that 10,000 square-feet of area at the intersection of La Jolla Scenic Drive North/Torrey Pines Road be landscaped as a neighborhood amenity, leaves an area of 23,518 square-feet for the proposed development. The property is zoned SF (Single-family residential) within the La Jolla Shores Planned District Ordinance and is within the boundaries of the La Jolla Community Plan. The campus of the University of California at San Diego (UCSD) lies to the north, vacant land and youth athletic fields are to the west, a detached single-family residential neighborhood is located to the south, and a Planned Residential Development to the east. Site 653 is currently vacant and is relatively level with the street grade of the residences on the south side of La Jolla Scenic Drive North. La Jolla Village Drive descends to the east from the intersection with Torrey Pines Road and La Jolla Scenic Way descends to the north from La Jolla Scenic Drive North to its intersection with La Jolla Village Drive making the low point of the project site the southwest corner of this intersection.

Site 653 is City owned property which, until 1995, was designated as residential land use in the La Jolla Community Plan and La Jolla Shores Precise Plan. In 1995, the land use designation for Site 653 was changed to open space and remained that way until February, 2004 when the La Jolla Community Plan was amended and the site was redesignated to residential use. The City Council approved the entering into an exclusive agreement (letter issued by the Real Estate Assets Department on January 27, 2003) with Hillel for development of the site and possible acquisition.

Separate from decisions in regard to Site 653, Hillel received permission from the owner of the single-family residence at 8976 Cliffridge Avenue to use it for religious offices. Subsequent complaints to the City's Neighborhood Code Enforcement Office led to the City issuing a violation notice to the owner and Hillel for changing the use without City approvals. The City determined that the religious use is permitted in the zone but the change of from single-family to religious use requires a Site Development Permit as required by the La Jolla Shores Planned District Ordinance (LJSPDO). Environmental staff, for CEQA compliance, determined that the residence and Site 653 proposal should be considered as a single project. Staff directed the applicant to combine the projects into one consolidated project application.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

FISCAL IMPACT:

All costs associated with the processing of this project application are paid from a deposit account maintained by the applicant.

Halbert/Oppenheim/RMK

LEGAL DESCRIPTION:

The project site is located within the Single Family Zone of the La Jolla Shores Planned District, Coastal Height Limit Overlay Zone, Campus Parking Impact Overlay Zone and the La Jolla Community Planning Area and is more particularly described as Lot 67 of La Jolla Highlands Unit No. 3, in the City of San Diego, County of San Diego, Parcel Map No. 3528 and Portion of Lot 1299, Miscellaneous Map 36, Pueblo Lands, in the City of San Diego, County of San Diego.

Staff: Robert Korch - (619) 446-5229.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT